IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2654 of 2007

C.R.NO.120/04 OF NEDUMANGADU EXCISE RANGE

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PETITIONER/ACCUSED:

MADHU, AGED 35 YEARS,S/O.SUKUMARAN,
KUTHUKUZHY,PUTHENVEEDU,KOODALIE BHAGOM,
ARAYANADU,NEDUMANGAD.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2564 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the accused in C.R.No. 120/04 of Nedumangadu Excise Range, registered for offence under Sections 8(1) and (2) of the Abkari Act, consequent on detection and seizure of 900 litres of wash, contained in plastic cans. It is contended by the petitioner that apart from seizure of the abandoned wash, nobody was arrested and the petitioner is falsely implicated in the offence. However, despite registration of the crime on 11.12.2004, the petitioner could not be arrested by the Investigating Agency till now.

In the circumstances, I allow this bail application and direct that:

(i) the petitioner do surrender before the learned Magistrate concerned positively within

fifteen days from today;

(ii) that on such surrender and on his depositing, by way of cash security, an amount of Rupees ten thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) that on such release the petitioner shall co-operate with the investigation in the case and shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter on all Tuesdays only, till the investigation in the case is over and final report is laid; and

(iv) that the grant of anticipatory bail shall not stand in the way of the learned Magistrate granting custody of the petitioner to the Investigating Officer for questioning, if the Investigating Agency so asks for and the learned

Magistrate deems it fit to grant, considering the circumstances of the case.

4th May, 2007 (K.P.Balachandran, Judge)

tkv